

AMENDMENT UNDER 37 C.F.R. § 1.116
U.S. Appln. No. 09/899,212

REMARKS

The present invention relates to a strain of microorganism belong to the genus *Altermonas* having the ability to produce a biojelly, and coatings using such.

In the Office Action, claims 3, 5 and 11 were rejected under 35 U.S.C. § 102(b) as allegedly being anticipated by Raguenes et al or Vincent et al or Samain et al. Claims 2, 4 and 6 were objected to as allegedly being dependent from a rejected base claim, and would be allowable if rewritten in independent form.

In the present Amendment, claim 11 has been amended to incorporate the subject matter of claim 2. Claims 2, 4 and 6 have been canceled.

No new matter has been added and entry of the Amendment is respectfully requested. Because the amendment proposed merely combines claims already in the case, no new issues are deemed to arise nor is further search or consideration of art necessary. Upon entry of this Amendment, claims 3, 5 and 11 will be all the claims pending in the application.

In view of the above amendment, i.e., the amendment to claim 11 to incorporate the subject matter of claim 2, which is not rejected over prior art, Applicants respectfully submit that the § 102(b) rejection has been overcome and should be withdrawn.

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In view of the above, allowance of claims 3, 5 and 11 are respectfully submitted to be proper, and such actions are hereby solicited. If any points remain in issue which the Examiner feels may be best resolved through a personal or telephone interview, the Examiner is kindly requested to contact the undersigned at the local Washington, D.C. telephone number listed below.

The USPTO is directed and authorized to charge all required fees, except for the Issue Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any overpayments to said Deposit Account.

Respectfully submitted,



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